

BEFORE THE
POSTAL REGULATORY COMMISSION
WASHINGTON, D.C. 20268-0001

FIRST-CLASS MAIL AND PERIODICALS
SERVICE STANDARD CHANGES, 2021

Docket No. N2021-1

**MOTION OF THE UNITED STATES POSTAL SERVICE TO
BE EXCUSED FROM RESPONDING TO INTERROGATORIES PROPOUNDED BY
MAILERS HUB, AND FOR RELATED RELIEF
(MH/USPS-T1-1-16; MH/USPS-T2-1-3; AND MH/USPS-T3-1-6)
(May 17, 2021)**

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Pursuant to 39 C.F.R. § 3020.105(b), the Postal Service hereby moves to be excused from responding to the interrogatories propounded by Mailers Hub on May 12, 2021¹ (MH/USPS-T1-1-16; MH/USPS-T2-1-3; and MH/USPS-T3-1-6) on Postal Service witnesses Cintron (USPS-T-1), Whiteman (USPS-T-2) and Hagenstein (USPS-T-3), respectively. As set forth below, Mailers Hub has, in fact, propounded at least 162 separate interrogatories, more than six times the 25-interrogatory limit, and the Postal Service is unable to determine to which 25 interrogatories Mailers Hub will ultimately seek responses.²

I. BACKGROUND

On May 11, Mailers Hub filed interrogatories on witnesses Whiteman and Hagenstein. Each set was ostensibly numbered as 1 through 11 and 1 through 17, respectively. Yet those numbers corresponded only to headers, each of which contained multiple actual questions within it. Counting only items designated by letters as interrogatories,³ the original set to witness Whiteman numbered 34, and the set to witness Hagenstein numbered 58, for a total of at least 92.

¹ This motion is timely. The Postal Service seeks to be excused from responding to interrogatories Mailers Hub propounded on Wednesday, May 12, 2021. Motions to be excused are ordinarily due within three days of the filing of the interrogatory. 39 C.F.R. § 3020.1(b)(1). Since the third day fell on a Saturday, the Postal Service has timely filed this motion on Monday, May 17, 2021. See 39 C.F.R. § 3020.103.

² The Postal Service seeks relief here on numerosity grounds because Mailers Hub's interrogatories grossly exceed the 25-interrogatory limit when properly counting discrete subparts as individual interrogatories. The fact that the Postal Service may determine not to seek excusal from responding to other parties' interrogatories on the basis of numerosity where interrogatory counts are close or questionable calls should not be considered a blanket waiver of this objection.

³ Many of these original questions mirror those in the revised set analyzed below. The count here is more superficial and conservative than the analysis in section IV below, but a more granular count is not necessary for present purposes, as these interrogatories were withdrawn.

Later that day, Postal Service counsel contacted Mailers Hub informally about the fact that the numbered interrogatories and their discrete subparts exceeded the 25-interrogatory limit in 39 C.F.R. § 3020.117(a). Mailers Hub agreed to adjust the interrogatories to fit within the limit. On May 12, Mailers Hub filed a notice withdrawing the previously filed interrogatories.

Later that day, Mailers Hub filed three new sets of interrogatories on witnesses Cintron, Whiteman, and Hagenstein. Although the numbered headers now added up to only 25, each header still preceded a host of letter-denominated questions, which totaled far more than 25. Given this response to the Postal Service's good-faith effort at informal resolution and the short period for filing motions to be excused, the Postal Service reasonably concluded that the matter was ripe for Presiding Officer resolution. This motion followed.

II. PARTIES ARE LIMITED TO PROPOUNDING 25 INTERROGATORIES ABSENT LEAVE OF THE COMMISSION

In accordance with 39 C.F.R. § 3020.117(a), participants in this proceeding may propound "to any other participant no more than a total of 25 written, sequentially numbered interrogatories, by witness, requesting non-privileged information relevant to the subject matter of the proceeding" (emphasis added).

The 25-interrogatory limit restricts the number of interrogatories a participant may cumulatively propound on another participant – not the number of interrogatories a participant may propound on another participant's individual witnesses. As the Commission explained when it adopted the regulations set forth in 39 C.F.R. Part 3020, the 25-interrogatory limit is a limit on the total number of interrogatories a participant may propound "on the Postal Service." Included within that limit would be the combined

total of each participant's initial and follow-up interrogatories for all witnesses, as well as institutional interrogatories directed to the Postal Service.” Order No. 2080, Order Adopting Amended Rules of Procedure for Nature of Service Proceedings under 39 U.S.C. 3661 (May 20, 2014), at 38 (citation omitted; emphasis added). Industry commenters made clear their expectation that this would require dividing the 25 interrogatories across multiple witnesses, and the Commission confirmed that understanding. *Id.* at 38 n.35, 41 n.36.

Thus, 39 C.F.R. § 3020.117(a) permits a participant to propound a total of 25 interrogatories (including all discrete subparts) on the Postal Service, not 25 interrogatories on each Postal Service witness.⁴

III. SEPARATE INTERROGATORIES ARE DETERMINED BY THE SCOPE OF QUESTIONS AND THEIR AMENABILITY TO INDEPENDENT ANSWER, NOT BY THE PROPONENT’S NUMBERING FORMAT

In determining whether a participant has exceeded the 25-interrogatory limit, the Commission expressly “adopt[ed] the practice of federal courts which operate under Rule 33 of the [Federal Rules of Civil Procedure]” as to the counting of discrete subparts. Order No. 2080 at 44 (citing *Trevino v. ACB Am., Inc.*, 232 F.R.D. 612, 614 (N.D. Cal. 2006)). As the Commission has synthesized the principle espoused in *Trevino* and other cases, for subparts to be counted within a single interrogatory, they must be “logically or factually subsumed within and necessarily related to [a] primary question.” Rule 3020.117(a); *Trevino*, 232 F.R.D. at 614 (quoting *Safeco of America v.*

⁴ As shown in section IV below, Mailers Hub has even exceeded 25 interrogatories per witness, both on an average basis and specifically for witnesses Cintron and Hagenstein.

Rawston, 181 F.R.D. 441, 445 (C.D. Cal. 1998) (citing, in turn, *Kendall v. GES Exposition Services*, 174 F.R.D. 684 (D. Nev. 1997)).

What does not matter is how the proponent has styled or numbered the interrogatories. “The better view is that they need not be [separately numbered or lettered], or any party could easily circumvent the rule simply by eliminating the separate numbering or lettering of the subparts.” *Safeco*, 181 F.R.D. at 444 (regarding this as a “question easily answered,” and citing *Prochaska & Assocs. v. Merrill Lynch, Pierce, Fenner & Smith, Inc.*, 155 F.R.D. 189, 191 (D. Neb. 1993)). As shown in the examples below, a single numbered paragraph may contain separate sentences that are distinct questions, and even a single sentence may inquire into multiple areas that are distinct notwithstanding their enumeration in a single list.

Questions that merely seek various descriptive details about a given instance are generally treated as non-discrete subparts. FED. R. CIV. P. 33 advisory committee’s note (1993) (“Parties cannot evade this presumptive limitation through the device of joining as ‘subparts’ questions that seek information about discrete separate subjects. However, a question asking about communications of a particular type should be treated as a single interrogatory even though it requests that the time, place, persons present, and contents be stated separately for each such communication.”); see, e.g., *Trevino*, 232 F.R.D. at 614 (caption, court, case number and result of litigation); *Kendall*, 174 F.R.D. at 686 (date of, nature of incident underlying, and name, gender, position, and address of person delivering warning/reprimand; date, show, labor list, and person administering labor call and drafting labor list showing that Plaintiff was called to work and declined).

By contrast, discrete subparts, and thus separate interrogatories, exist where one question can be answered fully and completely without answering a second, “totally independent” question. *Kendall*, 174 F.R.D. at 686. More specifically,

if the first question can be answered fully and completely without answering the second question, then the second question is totally independent of the first question and not factually subsumed within and necessarily related to the primary question. . . . If a response to the first part of a two-part interrogatory is implicit in a response to the second part, then a complete answer to the latter part requires an answer to the former part. The two subparts are not discrete and may not be characterized as independent interrogatories.

Bartnick v. CSX Transp., Inc., No. 1:11-CV-1120, 2012 U.S. Dist. LEXIS 60047, at *6-*7 (N.D.N.Y. Apr. 27, 2012) (citations omitted; cleaned up). For example, an interrogatory may be related to the issue of damages, but asking for a calculation of past compensation received by a plaintiff and a calculation of “speculative increases in salary and benefits based upon a hypothetical situation . . . are separate and distinct questions which require separate calculations. Each question is independent of the other and can stand alone.” *Kendall*, 174 F.R.D. at 686. Other examples of discrete subparts include:

- An interrogatory asking about “1) plaintiff's evaluations, 2) plaintiff's loss of certain duties because of them, and 3) what information was provided to the evaluators and from whom did it come.” *Banks v. Off. of the Senate Sergeant-at-Arms & Doorkeeper*, 222 F.R.D. 7, 11 (D.D.C. 2004) (Facciola, Mag. J.).
- An interrogatory that “speaks first to the SAA's general hiring practices and then to the hiring of the person for the position of Manager for the Capitol Facilities,” which “are separate topics.” *Id.*

- An interrogatory on “two distinct topics: 1) the determination that plaintiff was not entitled to disability leave and 2) the number of employees in the past ten years who were denied disability leave.” *Id.*
- An interrogatory that “asks defendant to (a) identify recruitment methods for each job category in each department; (b) identify the individuals responsible for recruitment of new employees; and (3) identify ‘restrictions on type of recruitment desired’ by age, race, gender or sexual identity, physical appearance, and physical ability.” *Semsroth v. City of Wichita*, No. 06-2376-KHV-DJW, 2008 U.S. Dist. LEXIS 35380, at *13 n.14 (D. Kan. Apr. 28, 2008). This “consists of three separate interrogatories because there is no common theme or link between the three subparts.” *Id.* at *13.
- An interrogatory about “job vacancies” that “asks for such varied information as ‘a description of job vacancies during previous five years’ and ‘the geographic area from which defendant draws job applicants.’” *Id.* at *13 n.15. These and other subparts regard “such varied topics that they do not form a common theme.” *Id.* at *13.
- An interrogatory asking about similarities and differences between plaintiffs’ product design (relevant to an infringement claim) and 64 pictures of other revolvers was counted as 64 discrete subparts. Otherwise, reading it “as a single question with multiple integral subparts . . . would sanction unlimited subparts tied only by a legal theory [and] effectively eliminate any presumptive limitation on interrogatories by the use of subparts.” *New Colt*

Holding Corp. v. RJG Holdings of Fla., Inc., No. 3:02cv173, 2003 U.S. Dist. LEXIS 17930, at *5 (D. Conn. Feb. 6, 2003).

- “Please set forth the Plaintiff’s hire date; positions with the Defendant; pay rate and/or salary in each position; time in each position; reasons for changes in positions throughout Plaintiff’s employment; and supervisor’s [sic] in each position. Please set forth also the corresponding pay rate and/or salary of similarly placed non Nigerian Faculty members of equal rank during the same time and the reason for the differences if any.” *Mezu v. Morgan State Univ.*, 269 F.R.D. 565, 572 (D. Md. 2010) (Grimm, Mag. J.). The court regarded “[t]he relationship between [the first set of] questions and the [primary] question about why Plaintiff changed positions [a]s, at best, attenuated” and the second set of questions as only “tangentially related to,” rather than “secondary to,” the first set. *Id.* at 573.

Thus, regardless of how questions may formally be grouped in a single paragraph or even a single sentence, they must relate, in a more than attenuated or tangential fashion, to a common theme and be incapable of independent answers. Truly non-discrete subparts tend to ask for various facets of a given instance or thing (e.g., in *Trevino*, caption, court, case number and result of litigation). By contrast, questions that differ in scope, even if concerning the same general subject (e.g., in *Banks*, plaintiff’s non-entitlement to disability leave vs. identification of all past employees denied disability leave in a given period; in *Mezu*, plaintiff’s employment facts vs. those of non-Nigerian faculty members), tend to be treated as discrete. Similarly, questions of a decision’s process, substance, and effects have been treated

as discrete matters (*Banks* again). And a question that calls for independent consideration of various enumerated things will count as a set of discrete questions, even if relevant to the same legal issue (*New Colt*). These and other principles drawn from the cases above will guide the analysis that follows.

IV. MAILERS HUB HAS PROPOUNDED MORE THAN 25 INTERROGATORIES

As set forth below, Mailers Hub has propounded more than 25 interrogatories. For ease of reference, the full text of Mailers Hub's interrogatories to Postal Service witnesses Cintron, Whitehead, and Hagenstein are attached hereto as **Exhibits A, B, and C**. In the charts below, the Postal Service lists first Mailers Hub's interrogatories by number and subpart. In the second corresponding column, the Postal Service lists the number of interrogatories it contends have actually been propounded. In the third corresponding column, where the Postal Service contends that one or more Mailers Hub interrogatory subparts should count as independent interrogatories, the Postal Service provides a brief explanation of its contention.⁵

As an initial matter, Mailers Hub has artfully grouped its interrogatories under 25 numbered headers. As discussed in the preceding section, however, the test is not whether a proponent can come up with some numbering system that stops at 25. Rather, what matters is the number of discrete questions. In this vein, none of Mailers Hub's numbered items presents a primary question, on which subparts merely elaborate. Rather, each numbered header precedes a line that broadly references an

⁵ Most of the interrogatories contended to be discrete themselves contain multiple questions, some of which might arguably meet the threshold for discreteness. Because these questions may be a closer call, and because the enumeration here is more than sufficient to warrant excusal from the current spate of Mailers Hub interrogatories, the Postal Service does not find it necessary to contend the multiplicity of questions beyond the level presented here at this time.

entire section of the relevant witness's testimony: sections that themselves cover multiple topics. Under each numbered header appear the actual questions, which are grouped in lettered paragraphs, and which, within many groups, have little to do with one another. Like the 92 lettered paragraphs in the original May 11 interrogatories, these lettered paragraphs exceed 25 by far. As in the case law discussed in the preceding section, many of these lettered paragraphs themselves contain subparts, many (albeit not all) of which are discrete enough to constitute multiple interrogatories within the same paragraph.

Mailer's Hub Cintron (USPS-T-1) Numbering	USPS Contended Count	Explanation ⁶
1(a)	1	1(a) asks for an identification of specific occasions of conferral with industry representatives.
1(b)	2	1(b) asks for an identification of specific presentations made to one particular group of industry representatives. Although this, like 1(a), concerns conferral with industry representatives, it asks for a different class of information about a different scope of conferral. It is thus capable of being answered independently and is not subsumed into 1(a). <i>Cf. Banks</i> , 222 F.R.D. at 11 (question about general hiring practices is distinct from question about the hiring of a specific employee).
1(c)	3	1(c) seeks confirmation of the Postal Service's plans for implementing proposed service changes

⁶ The Postal Service's characterizations of Mailer Hub's interrogatory subparts should not be construed as an agreement with the premise of various interrogatories.

		following the impending advisory opinion. This has nothing to do with 1(a) or (b).
2(a)	4	2(a) asks whether service performance targets and scores shown in the testimony are aggregated across categories of preparation and reporting units.
2(b)	5	2(b) asks about the degree of consistency of “some reporting units and/or processing facilities” in relative service standard achievement.
2(c)	6	2(c) seeks information about analysis or studies of the causes of service performance deficiencies during 2012-2020.
2(d)	7	2(d) asks about plans to enable achievement of service standards going forward, other than the Initiative. <i>Cf. Kendall</i> , 174 F.R.D. at 686 (question about past compensation is distinct from speculation about future compensation).
2(e)	8	2(e) seeks information regarding whether the Postal Service considered alternative options for service changes than the changes proposed in this proceeding.
3(a)	9	3(a) inquires whether and why the regulations establishing the 3-day service standard for First-Class Mail do not account for transit time.
3(b)	10	3(b) inquires whether and why the regulations establishing the overnight and 2-day service standards for First-Class Mail do account for transit time. Although this concerns a similar topic to 3(a), it is capable of independent answer and is not logically or factually subsumed within it.

3(c)	11	3(c) seeks information regarding whether the Postal Service considered amending service standards to account for transit time only for current 3-to-5-day service standards.
3(d)	12	3(d) asks about the breadth of the average represented by the current surface transportation capacity utilization figure.
3(e)	13	3(e) asks for the units represented by the same figure. Although this concerns a similar topic to 3(d), it is capable of independent answer and is not logically or factually subsumed within it.
3(f)	14	3(f) asks about the planned future surface transportation capacity utilization rate. <i>Cf. Kendall</i> , 174 F.R.D. at 686 (question about past compensation is distinct from speculation about future compensation).
3(g)	15	3(g) seeks information regarding the process the Postal Service uses to determine which vehicles to use on service routes.
4(a)	16	4(a) seeks the criteria used by the Postal Service to determine whether to move volume by air or surface transportation.
4(b)	17	4(b) asks about the number of stops assumed for air and surface transportation in an illustration.
4(c)	18	4(c) asks for confirmation that, in general, air transportation can be nonstop and surface transportation can involve multiple stops. Although this concerns a similar topic to 4(b), 4(c) asks about general practice, whereas 4(b) asks about a specific representation in witness Cintron's testimony.

4(d)	19-21	4(d) consists of three interrogatories. It seeks information regarding (1) how the Postal Service determines causes of air transportation delays; (2) measures taken to mitigate such delays; and (3) the results of such measures. Each interrogatory in 4(d) is capable of independent answer. ⁷
5(a)	22	5(a) asks for the difference between service standards and service performance targets.
5(b)	23	5(b) asks whether the Postal Service must seek an advisory opinion when changing service standards or service performance targets.
5(c)	24	5(c) seeks an explanation of the term “expect to” rather than “will” as used in witness Cintron’s testimony.
5(d)	25	5(d) seeks information on measures other than the Initiative toward meeting the 95 percent service performance target.
5(e)	26	5(e) seeks information regarding measures the Postal Service will take if it is, in the future, unable to achieve or maintain a 95 percent service performance target. In contrast to 5(d), which asks about measures currently planned to achieve the target, 5(e) asks about contingent measures that could be planned in the event of a future failure to achieve the target. Despite their shared reference to the 95 percent target, these are distinct

⁷ Even if the measures taken and the results of the measures were deemed to be logically or factually subsumed within a common theme, that theme is still distinct from the question of how the Postal Service determines the causes of delays.

		interrogatories that are not logically or factually subsumed within a common question.
6(a)	27-30	6(a) consists of four interrogatories, each inquiring into the basis for one of four separate proposed differentiators between First-Class Mail service standards.
6(b)	31	6(b) asks why a 3-day service standard was chosen for mail between the contiguous United States and noncontiguous or offshore locations.
7(a)	32	7(a) seeks confirmation that some facilities or districts or areas have met current service performance targets.
7(b)	33-36	7(b) consists of four interrogatories seeking information regarding: (1) steps the Postal Service has taken to determine why certain facilities have met service performance targets; (2) information learned from those steps; (3) actions taken to apply the findings to other facilities; and (4) the results of those actions. Although all four interrogatories concern a similar topic, they are capable of independent answer. ⁸
7(c)	37-38	7(c) poses two discrete interrogatories: (1) what contributes to the Postal Service's failure to meet service performance targets, other than transit time and air transportation, and (2) how the proposed service standard changes will ameliorate those other causes. Although both interrogatories

⁸ Even if the measures taken and the results of the measures were deemed to be logically or factually subsumed within a common theme, there are still two such themes here: (1) steps to determine why some facilities have been able to meet current service performance targets (and information gleaned from those steps), and (2) actions taken to apply those findings to other facilities (and the results of those actions).

		concern a similar topic, they are capable of independent answer.
7(d)	39-42	7(d) consists of four interrogatories seeking discrete sets of information: (1) the steps the Postal Service took to determine that it is incapable of meeting service performance targets; (2) the findings of those steps; (3) the corrective actions taken; and (4) the results of those actions. Although all four interrogatories concern a similar topic, they are capable of independent answer. ⁹
7(e)	43-46	7(e) consists of four interrogatories inquiring into: (1) the criteria for determining whether service meets targets; (2) the derivation of such criteria; (3) the criteria for determining whether service is reliable and consistent; and (4) the derivation of such criteria. Interrogatories (1) and (3) (as regrouped here) concern distinct aspects of service and therefore do not concern a common theme. Each respective pair of interrogatories ((1)-(2) and (3)-(4)) relates to a single topic, but each interrogatory within that pair is capable of independent answer (i.e., what are the criteria, and how were the criteria derived).
8(a)	47-48	8(a) consists of two interrogatories in that it seeks a definition for two distinct terms (“substantial” and “very low volume”). That these are distinct topics is evident not only from the terms themselves, but

⁹ Even if the measures taken and the results of the measures were deemed to be logically or factually subsumed within a common theme, there are still two such themes here: (1) steps to determine incapability of meeting current service performance targets (and information gleaned from those steps), and (2) corrective actions taken (and the results of those actions). Indeed, 7(d) itself acknowledges that these are distinct subjects by referencing whether “steps were taken for either purpose.”

		from how the interrogatories that follow are posed discretely.
8(b)	49	8(b) asks about the required frequency for “substantial” point-to-point 2-day transportation.
8(c)	50	8(c) asks about the frequency of trips carrying “very low volume.”
8(d)	51-52	8(d) consists of two interrogatories asking for: (1) the Postal Service’s normal processes for evaluating transportation utilization and (2) the manner in which such evaluative processes are applied to “very low volume” situations. <i>Cf. Banks</i> , 222 F.R.D. at 11 (question about general hiring practices is distinct from question about the hiring of a specific employee).
8(e)	53-56	8(e) consists of three interrogatories seeking information regarding: (1) actions the Postal Service has taken to minimize low-volume surface transportation trips; (2) whether such actions were effective; (3) if not, what further actions were taken; and (4) the results of such further actions. Although all four interrogatories concern a similar topic, they are capable of independent answer. ¹⁰
8(f)	57	8(f) asks whether contracted surface transportation vehicle capacity can be adjusted to better align with volume.
9(a)	58	9(a) asks for the Postal Service’s general criteria for determining transportation efficiency.

¹⁰ Even if the measures taken and the results of the measures were deemed to be logically or factually subsumed within a common theme, there are still two such themes here: (1) steps to determine incapability of meeting current service performance targets (and information gleaned from those steps), and (2) corrective actions taken (and the results of those actions). Indeed, 8(d) itself acknowledges that these are distinct subjects by referencing whether “steps were taken for either purpose.”

9(b)	59	9(b) seeks confirmation that the Postal Service's primary objective in proposing the service change is to reduce costs.
9(c)	60-61	9(c) consists of two interrogatories asking for two distinct types of information: (1) the vehicle capacity assumed in evaluating surface transportation efficiency and (2) the vehicle flexibility assumed.
9(d)	62-64	9(d) consists of three interrogatories in that it asks whether multiple stops are implied in connection with each of three discrete measures.
9(e)	65	9(e) asks whether mail can be properly and timely loaded onto designated transportation without the proposed service standard changes.
9(f)	66	9(f) seeks information regarding how the Postal Service establishes and approves operating plans.
10(a)	67	10(a) seeks an explanation of the approval of operating plans that necessitate early dispatches.
10(b)	68	10(b) seeks an explanation of why changing service standards is necessary to align dispatches with committed volumes.
11(a)	69	11(a) asks why the Postal Service does not expect the necessary mail processing changes to materially affect cost or revenue.
11(b)	70	11(b) asks what changes <u>other than</u> the necessary mail processing changes <u>would</u> materially affect cost or revenue. By its own terms, 11(b) concerns a discrete topic from 11(a).
12(a)	71	12(a) asks for current impediments to the flexibility to route mail more efficiently.

12(b)	72-73	12(b) consists of two interrogatories in that it asks: (1) what the Postal Service has <u>evaluated doing</u> (other than changing service standards) to gain more flexibility and (2) what the Postal Service found from such evaluations. Although both interrogatories concern a similar topic, they are capable of independent answer.
12(c)	74-76	12(c) consists of three interrogatories in that it asks: (1) what the Postal Service has <u>actually implemented</u> (other than changing service standards) to gain more flexibility; (2) how the success of such actions was evaluated; and (3) what further actions were taken. Although all three interrogatories concern a similar topic, they are capable of independent answer.
13(a)	77-78	13(a) consists of two interrogatories in that it asks: (1) what is the “harm” that concerns the Postal Service and (2) how will informing retail customers about the service change materially mitigate that harm.
13(b)	79	13(b) seeks an explanation of how the Postal Service will mitigate harm to commercial customers.
13(c)	80-81	13(c) consists of two interrogatories in that it asks about the criteria the Postal Service used to (1) determine that setting appropriate expectations would mitigate harm and (2) offset customer dissatisfaction.
14(a)	82	14(a) seeks confirmation that no destination entry rates exist for First-Class Mail.

14(b)	83	14(b) asks how destination-entry Presort First-Class Mail will be unaffected by the proposed service standard changes.
14(c)	84	14(c) asks how Presort First-Class Mail (in general) will be unaffected.
15(a)	85-87	15(a) consists of three interrogatories in that it seeks a definition of three discrete terms used in witness Cintron's testimony.
15(b)	88	15(b) inquires as to the degree of anticipated improvement in reliability and predictability.
15(c)	89	15(c) asks what criteria the Postal Service used to determine that all mail will benefit from improved reliability and predictability.
16(a)	90	16(a) seeks an explanation whether the Postal Service considers First-Class Mail service performance to be a driver of First-Class Mail revenue loss.
16(b)	91	16(b) seeks information on other opportunities the Postal Service has evaluated to gain cost and service efficiencies and plans for implementing them.
16(c)	92	16(c) seeks information regarding why the Postal Service concluded that service standards should be aligned with actual performance rather than aligning operational performance to enable achievement of service standards.
16(d)	93	16(d) inquires as to the product scope of the 95 percent service performance target.
16(e)	94	16(e) seeks a definition of the phrase "on a consistent basis" as used by witness Cintron in relation to the 95 percent target.

16(f)	95-96	16(f) consists of two interrogatories in that it seeks a definition of two discrete terms used by witness Cintron.
16(g)	97-98	16(g) consists of two interrogatories in that it asks for identification of (1) criteria for determining that service is “quality” and “adequate” and (2) studies or customer research used by the Postal Service in making such determinations. Although these interrogatories relate to a similar overarching topic, they inquire into two separate matters and are capable of independent answer.
16(h)	99	16(h) seeks results of studies or research that would support a customer conclusion that the proposed service standard changes would yield service that is “quality and adequate,” or an explanation why such studies were not conducted.

Mailer’s Hub Whiteman (USPS-T-2) Numbering	USPS Contended Count	Explanation¹¹
1(a)	100	1(a) seeks to determine whether transportation changes drove the need to a service change, or a service change drove changes to the transportation network.
1(b)	101-106	1(b) asks for the proportions of HCR vs. MVS transportation used to service three distinct types of capacity, and how each of those three proportions would change under the Initiative. All

¹¹ The Postal Service’s characterizations of Mailer Hub’s interrogatory subparts should not be construed as an agreement with the premise of various interrogatories.

		together, this constitutes six independent interrogatories.
1(c)-(d)	107	1(c) and 1(d) seek information regarding the processing of non-time-sensitive Periodicals, Marketing Mail, and packages at NDCs. Although they are styled as separate subparts, the Postal Service understands these to be asking essentially a single question: how such items will be entered and/or processed under the Initiative.
1(e)-(f)	108	1(e) and 1(f) seek information regarding zoned rates and destination entry discounts. Although they are styled as separate subparts, the Postal Service understands these to be asking essentially a single question: how zoned rates and/or destination entry discounts would change (if at all) under the Initiative.
2(a)	109	2(a) asks whether the Postal Service has evaluated aggregating its air transportation into a single contract.
2(b)	110	2(b) asks for an explanation of the pros and cons of using multiple air transportation suppliers. Although this relates to a similar topic to 2(a), 2(a) inquires into the actual history of Postal Service evaluations, whereas 2(b) asks for exposition of factors that might bear on any given evaluation.
2(c)	111	2(c) seeks confirmation that air transportation providers' actual performance motivated the Initiative. Note that this is yet a third distinct query, notwithstanding the similar overarching theme of air transportation suppliers: namely, what motivated the Initiative.

2(d)	112	2(d) asks how air transportation providers' performance factored into cost calculations.
3(a)(1)-(4)	113-116	3(a) consists of four interrogatories in that it seeks confirmation of four distinct assumptions. In essence, 3(a) asks, "Did you assume W? Did you assume X? Did you assume Y? Did you assume Z?"
3(b)	117	3(b) asks about any alternative assumptions. ¹²
3(c)	118-119	3(c) consists of two interrogatories in that it asks whether the model used, as alternatives, (1) smaller trucks and (2) different sized trailers. ¹³
3(d)	120	3(d) seeks an explanation why the model did not use alternative sizes of trucks or trailers. ¹⁴
3(e)	121	3(e) asks whether surface transportation provider performance was factored into cost calculations.

Mailer's Hub Hagenstein (USPS-T-3) Numbering	USPS Contended Count	Explanation¹⁵
1(a)	122	1(a) asks what criteria were used to determine the use of PVS vs. HCR drivers.
1(b)	123	1(b) asks why HCR would not be the preferred choice if it is less expensive.
1(c)	124	1(c) asks whether the absence of PVS is abnormal.

¹² This may actually be up to four separate questions, depending on the answers to subpart (a)(1)-(4).

¹³ This may actually be up to five separate questions, given subpart (c)'s enumeration of four different trailer sizes that could have been used as alternatives.

¹⁴ This, too, may actually be five separate questions, depending on the answer to subpart (c).

¹⁵ The Postal Service's characterizations of Mailer Hub's interrogatory subparts should not be construed as an agreement with the premise of various interrogatories.

1(d)	125	1(d) asks whether any PVS absences result from consistently-applied policies or from local management discretion. Although this, like 1(c), concerns PVS absences, the two interrogatories are independent: 1(c) asks about the frequency of PVS absences, whereas 1(d) asks about their cause.
2(a)	126	2(a) asks how it is determined that a truck is routinely less than 60 percent full.
2(b)	127-128	2(b) consists of two interrogatories in that it asks: (1) whether such routinely low utilization is in accordance with planned utilization and (2) how the 60 percent threshold was chosen. These are distinct interrogatories: the first asks for the consistency of actual practice with plans, whereas the second asks for the criteria used to decide on the threshold level.
2(c)	129	2(c) asks for an explanation of when contracted transportation is under- or over-utilized. ¹⁶
2(d)	130-133	2(d) consists of four interrogatories in that it asks: (1) what steps are taken to monitor under- and over-utilization; (2) what steps are taken to correct them; (3) what is done to verify the effectiveness of such actions; and (4) what further actions are taken. These inquiries into four distinct steps of the process are capable of independent answers.
2(e)	134-135	2(e) consists of two interrogatories in that it asks (1) for a definition of “flexibility,” as used in a given sentence, and (2) why such flexibility is lacking across the transportation network.

¹⁶ This could fairly be seen as two distinct questions: one about under-utilization and one about over-utilization.

2(f)	136-139	2(f) consists of four interrogatories in that it asks (1) what steps are taken to monitor inflexibility in HCR contracts; (2) what steps are taken to correct it; (3) what is done to verify the effectiveness of such actions; and (4) what further actions are taken. These inquiries into four distinct steps of the process are capable of independent answer.
3(a)	140	3(a) seeks the basis for a certain utilization assumption.
3(b)	141	3(b) asks why a higher figure was not used.
3(c)	142-143	3(c) consists of two interrogatories in that it asks (1) whether other containers were used in the model and (2) what utilization assumptions were applied to such other containers. These interrogatories are capable of independent answers.
4(a)	144	4(a) seeks an explanation of the process and criteria used to develop mileage and time in the proposed assignment rules.
4(b)	145-146	4(b) consists of two interrogatories in that it asks why the model did not select (1) greater mileage or (2) more time. These interrogatories are capable of independent answers.
4(c)	147	4(c) seeks an explanation of the process and criteria used to determine that the model should include more slack time.
4(d)	148	4(d) asks why the model did not optimize direct/non-stop transportation/distances.
5(a)	149-150	5(a) consists of two interrogatories in that it asks whether the model used, as alternatives, (1) smaller trucks and (2) different sized trailers.

5(b)	151	5(b) asks whether the model was used or allowed to determine whether smaller trucks could be used.
5(c)	152	5(c) asks whether the model allowed trucks of different sizes on a given routing.
5(d)	153	5(d) asks about the cubic footage of a 53-foot trailer.
5(e)	154	5(e) asks for the reason behind a utilization assumption.
5(f)	155-157	5(f) asks for confirmation of three discrete assumptions in the model.
6(a)	158-159	6(a) consists of two interrogatories in that it seeks (1) the process and steps used to determine a given time allowance and (2) the reason why the Postal Service expects that particular time increment to reflect when volume will be ready for dispatch. Although these relate to a similar subject, they concern two discrete inquiries: the substance of what the Postal Service decided, and the process by which it reached that decision. These inquiries are capable of independent answers.
6(b)	160	6(b) seeks an explanation of whether shorter time criteria were modeled as an alternative to those discussed in 6(a).
6(c)	161	6(c) seeks the process and steps used to determine a different time allowance.
6(d)	162	6(d) seeks an explanation of whether shorter time criteria were modeled as an alternative to those discussed in 6(c).

When considering each independent question that is both (a) neither logically nor factually subsumed within, and (b) not necessarily related to, a primary question as

separate interrogatories, Mailers Hub has propounded at least 161 separate interrogatories on Postal Service witnesses, more six times the 25-interrogatory limit.

Answering all of these discrete interrogatories would be unduly burdensome and would vitiate the Commission's 25-interrogatory limit. Nor can the Postal Service divine which 25 interrogatories are most appropriate for it to answer, in terms of the proponent's preferences.¹⁷ Therefore, the Postal Service should be excused from answering any of them at this time.

V. IF SUMMARY EXCUSAL IS NOT GRANTED, THERE IS GOOD CAUSE FOR EXTRAORDINARY RELIEF CONCERNING OTHER DEADLINES RELATING TO THESE INTERROGATORIES

The grossly excessive numerosity of Mailers Hub's interrogatories warrants excusal from all of them without prejudice. Mailers Hub may then refile an appropriate number of discrete interrogatories, either some of the same ones or different ones,¹⁸ which the Postal Service will then evaluate to determine whether a basis exists for any motions to be excused within the three-day period beginning on the date of the renewed filing. If, however, this motion is denied in part and any number of Mailers Hub's existing interrogatories sustained, the Postal Service respectfully submits that it should have a further opportunity to submit motions to be excused on grounds other than numerosity (assuming that the then-refiled interrogatories do not also exceed 25).

¹⁷ Not that there is any need to do so, as Rule 3020.117(a) bars the propounding of more than 25 interrogatories, not the answering of more than that number. See *Walker v. Lakewood Condo. Owners Ass'n*, 186 F.R.D. 584, 586 (C.D. Cal. 1999) (federal rules limit interrogatories "served," not those to be answered, and responding party may object in lieu of answering some portion of the numerous interrogatories).

¹⁸ These interrogatories differ in material respects from an earlier set that Mailers Hub propounded on May 11 and then withdrew on May 12.

Under the unique circumstances here,¹⁹ it would be a poor use of Postal Service and Commission resources for the Postal Service to include in this motion alternative grounds for excusal from up to 162 discrete interrogatories, when such mutual effort might only be in vain if the Presiding Officer grants the motion for summary excusal (as the Postal Service believes he should). Conversely, it would be more economical and efficient to first narrow (or otherwise determine) the scope of Mailers Hub's interrogatories, the better to sharpen the issues for potentially more substance-oriented motions for excusal. Therefore, in the event that, contrary to this motion, the Presiding Officer permits some number of current Mailers Hub interrogatories to remain outstanding, the Postal Service respectfully submits that good cause exists to allow, on an extraordinary basis, an additional three days for further motions for excusal.

VI. CONCLUSION

For the foregoing reasons, the Postal Service respectfully requests that the Presiding Officer grant this motion and excuse the Postal Service from responding to Mailers Hub's interrogatories. Alternatively, if the Presiding Officer either denies this motion or rules in some other way that sustains some number of Mailers Hub's existing interrogatories, the Postal Service respectfully requests that, under the extraordinary circumstances, the Presiding Officer grant an additional three days for the filing of more targeted, substance-oriented motions for excusal from the remaining interrogatories.

¹⁹ It should be noted that this motion raises questions of first impression concerning the application of Rule 3020.117(a).

Respectfully submitted,

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May 17, 2021

EXHIBIT A

Mailers Hub Interrogatories and Requests for Production of Documents
United States Postal Service Witness Robert Cintron (MH/USPS-T-1-1)
(May 12, 2021)

MAILERS HUB INTERROGATORIES TO
UNITED STATES POSTAL SERVICE WITNESS ROBERT CINTRON (USPS-T-1)
(MH/USPS-T1-1-16)

MH/USPS-T1-1. Please refer to your testimony in section I(A).

a. Please identify specific occasions, other than the pre-filing conference, when the Postal Service “conferred with industry representatives” specifically regarding the proposed service standard changes, as opposed to service issues generally.

b. Please identify the specific presentations to the Mailer Technical Advisory Committee that were specifically about the proposed service standard changes, as opposed to service issues generally.

c. Please confirm that the phrase “as we plan to implement services standards” indicates that the Postal Service intends to implement the proposed service standards notwithstanding the Advisory Opinion that will be issued by the Postal Regulatory Commission at the conclusion of this Docket.

MH/USPS-T1-2. Please refer to your testimony in section I(A)(1), *Discussion of Current Inability to Meet Existing Service Standards*.

a. Please confirm that service performance targets and scores shown for First-Class Mail are aggregated, i.e., they are composite averages of all First-Class Mail regardless of category or preparation, and the average of performance of all reporting units (e.g., areas and districts). If that cannot be confirmed please explain why.

b. Please confirm that, within the aggregated (composite) scores, some reporting units and/or processing facilities have shown relative consistency in achieving (or failing to achieve) the current service standards. If that cannot be confirmed, please explain why.

c. Please explain what analyses or studies the Postal Service made over the 2012-2020 period to identify underperforming facilities, deficient processes, management or staffing issues, and other factors contributing to the failure to achieve service performance under the current service standards, and what corrective measures were taken. If no analyses or studies were made, or no corrective actions were taken, please explain why not.

d. Please explain whether and how the management, staffing, processing, transportation, or other factors now impairing achievement of the current standards will be amended, other than by adding time, to enable achievement of the proposed service standards.

e. Please explain whether the Postal Service has evaluated only replacing the current three-to-five day standard with separate standards for three, four, and five-day service, without other changes to two-day service or the processing and transportation networks. If that evaluation has been conducted, please provide the results or, if no evaluation was made, please explain why not.

MH/USPS-T1-3. Please refer to your testimony in section I(A)(2), *Potential Improvements in Service Capability and Improved 1 Achievement of Service Standards*.

a. Please explain why the Postal Service's regulations do not account for transit time and whether this omission was deliberate. If not, please explain why "the Postal Service's regulations pertaining to the current three-day service standard for First-Class Mail" were adopted with this shortcoming.

b. Please confirm that "the Postal Service's regulations" for overnight and two-day service do account for transit time. If not confirmed, please explain why not.

c. Please explain whether the Postal Service has evaluated only revising the current three-to-five day standard to account for transit time, and/or replacing it with separate standards for three, four, and five-day service, that do account for transit time, without other changes to two-day service or the processing and transportation networks. If that evaluation has been conducted, please provide the results or, if no evaluation was made, please explain why not.

d. Please confirm that the "42 percent" figure represents the average for *all* vehicles ("5-ton" trucks, and all sizes of trailer) used for surface transportation, over all trip lengths, and movements by both HCR and PVS service. If not confirmed, please explain or clarify.

e. Please explain whether the "42 percent" figure refers to cubic capacity, maximum weight, or vehicle floor space.

f. Please detail the percent vehicle capacity utilization planned by the Postal Service and, if that utilization is less than 75 percent, why that lower utilization was planned.

g. Please explain the process used by the Postal Service to determine the vehicle to be used on a surface routing (e.g., “5-ton” vs 40-foot trailer vs 53-foot trailer).

MH/USPS-T1-4. Please refer to your testimony on page 11.

a. Please explain the criteria currently used by the Postal Service to determine when movement of mail between two points will be by air or surface transportation, specifically the relative weight given to cost and to service standard achievement.

b. Please confirm that the illustration on page 11 assumes that the air routing will not be non-stop and that the surface routing will involve only one en-route stop at an STC.

c. If confirmed, please confirm that air transportation routing can also be nonstop, and that surface transportation can include multiple en-route stops, such as to load or offload mail at other postal facilities that are not STCs.

d. Please explain the measures taken by the Postal Service to determine the causes of air transportation delay; the measures taken by the Postal Service to reduce or eliminate those causes; and the results of the measures taken. If no measures were taken for either purpose, please explain why.

MH/USPS-T1-5. Please refer to the footnote to your testimony on page 11.

a. Please explain the difference between “service standards” and “service performance targets.”

b. Please confirm that the Postal Service must seek an Advisory Opinion from the Postal Regulatory Commission if changing nationally-applicable “service standards” for First-Class Mail but can unilaterally adjust “service performance goals” for any mail.

c. Please explain the use of “expect to” rather than “will.”

d. Please explain the steps being taken by the Postal Service in preparation for “implementation of our proposed service standard changes,” other than adding transit time and adjusting modes of transportation, so that the 95 percent service performance target can be attained at “all times of the year.”

e. Please explain the steps the Postal Service will take if it is unable to achieve or maintain achievement of the “95 percent” performance goal it expects to set “upon implementation of our proposed service standard changes during all times of the year.”

MH/USPS-T1-6. Please refer to your testimony in section I(B), *Overview of Existing and Planned Changes to Service Standards*.

a. Please explain the basis for the current use of six hours as the differentiator between the applicability of the current two-day and three-day service standards, compared to the basis for using three hours, twenty hours, and forty-one hours as differentiators between the applicability of the corresponding proposed service standards.

b. Please explain why a three-day service standard was established for mail moving from anywhere within the contiguous United States and non-contiguous or offshore locations if, as you stated on page 9 of your testimony, “the current three-day service standard for First-Class Mail [does] not account for transit time.”

MH/USPS-T1-7. Please refer to the statement in your testimony on page 18, lines 16 through 18, that “the Postal Service is incapable of meeting its service performance targets, and hence providing reliable and consistent service, under the current standards.”

a. Please confirm that, as shown in the data provided quarterly to the Postal Regulatory Commission, some facilities (or districts or areas) of the Postal Service have been able to meet current service performance targets.

b. Please explain the steps taken by the Postal Service to determine why some facilities (or districts or areas) have been able to meet current service performance targets; the information developed; the actions taken to apply those findings to enable other facilities (or districts or areas) to meet service performance targets; and the results of those actions. If no steps were taken for either purpose please explain why.

c. Please explain the causes, other than transit time and the use of air transportation, that contribute to the Postal Service’s failure to meet service performance targets, and how the proposed changes to service standards will ameliorate those causes so as to enable achievement of the revised standards.

d. Please explain the steps taken by the Postal Service to determine why it “is incapable of meeting its service performance targets”; the information developed; the corrective actions taken to improve its capability to meet service performance targets; and the results of those actions. If no steps were taken for either purpose please explain why.

e. Please explain the Postal Service's criteria for "meeting" targets, and for judging service to be "reliable" and "consistent," and the derivation of those criteria.

MH/USPS-T1-8. Please refer to the statement in your testimony on page 18, lines 23 through 25, that "Achieving this standard requires the Postal Service to employ substantial point-to-point two-day transportation for, at times, very low volume."

a. Please define the terms "substantial" and "very low volume" as used in your testimony.

b. Please define the frequency on which "substantial point-to-point two-day transportation" is required, compared to the universe of surface transportation trips.

c. Please define the frequency of trips carrying "very low volume" compared to the universe of surface transportation trips.

d. Please explain the Postal Service's normal processes for evaluating transportation utilization and how those are applied to situations of "very low volume."

e. Please explain the Postal Service's actions to minimize the occurrence of trips with "very low volume" and whether those actions were effective. If not, please explain any further actions that were taken, and their results; if none were taken, please explain why not.

f. Please explain why the capacity of contracted surface transportation vehicles cannot be adjusted to provide the flexibility to better align with volume.

MH/USPS-T1-9. Please refer to your testimony in section III(A), *Proposed Transportation Network Changes and Benefit*.

a. Please explain the Postal Service's criteria for determining the efficiency of transportation, particularly as each mode correlates to the level of service performance it enables.

b. Please confirm that the primary objective of the proposed service standard changes is to reduce Postal Service costs by maximizing the volume of mail that can be moved by surface transportation. and not to maintain or improve on the current levels of achievement of the current service standards for First-Class Mail.. If not confirmed, please explain why.

c. Please explain the vehicle capacity (vehicle types and sizes) and their flexibility (i.e., option to select based on volume) that is assumed in evaluating the "efficiency" of proposed surface transportation.

d. Please confirm that your examples of “efficiency-increasing measures” noted on lines 16 through 19 imply multiple stops along a lane of surface transportation. If confirmed, please explain that statement as it compares to the transportation that is illustrated on page 11 labeled “Only 5 Steps for Future Middle Mile.” If not confirmed, please explain why not

e. Please explain whether, and if so, the proper loading of mail onto designated transportation can be ensured, and mail dispatch can be completed “within the time constraints of the operating plan,” without “the proposed addition of one or two days to current service standards.”

f. Please explain the Postal Service’s process for establishing and approving operating plans, especially how those could be established and approved if they do not generally and consistently “ensure that all mail volumes are properly loaded onto designated transportation within the time constraints of the operating plan.”

MH/USPS-T1-10. Please refer to the statement in your testimony on page 28, lines 11 through 13, that “Early dispatches, which are frequently necessary to achieve current service standards, risk departing from origin points without all committed volumes, leading to operational plan failures and missed service standard targets.”

a. Please explain why and how, in the stated scenario, approved operating plans would not align transportation and achievement of service standards or, conversely, how operating plans would be approved if they include the necessity for early dispatches, perhaps “without all committed volumes.”

b. Please explain how correction of such misalignments cannot be achieved without changing service standards.

MH/USPS-T1-11. Please refer to your testimony on page 29, lines 12 through 14.

a. Please explain the reasons for which “The Postal Service does not anticipate that the necessary mail processing changes, themselves, would materially affect cost or revenue.”

b. Please explain what changes, other than “the necessary mail processing changes,” the Postal Service anticipates “would materially affect cost or revenue.”

MH/USPS-T1-12. Please refer to your testimony on page 30, lines 15 through 17.

a. Please explain what currently inhibits the Postal Service from having “more flexibility to route mail more efficiently, and to maximize the use of space on each trip.”

b. Please explain what actions, other than changing service standards, the Postal Service has evaluated to gain “more flexibility to route mail more efficiently, and to maximize the use of space on each trip,” and the findings of such evaluations. If no evaluation was made, please explain why not.

c. Please explain what actions, other than changing service standards, the Postal Service has implemented to gain “more flexibility to route mail more efficiently, and to maximize the use of space on each trip,” how the success of those actions was evaluated, and what further action was taken. If no actions were taken for either purpose, please explain why.

MH/USPS-T1-13. Please refer to the statement in your testimony on page 30, line 25, and page 31, lines 1 through 3, that “In order to mitigate any harm from this change, the Postal Service will work to inform retail customers about the service changes, so that they can set appropriate expectations for delivery times.”

a. Please explain the “harm” to which the statement refers and how informing retail customers about the service changes will materially mitigate that “harm.”

b. Please explain how the Postal Service will mitigate “harm” to commercial customers.

c. Please explain the criteria the Postal Service used to determine that enabling customers to “set appropriate expectations for delivery times” will mitigate “harm” to those customers interests, and how that would offset dissatisfaction over slower service.

MH/USPS-T1-14. Please refer to the statement in your testimony on page 31, lines 16 and 17, that “business customers’ destination-entry presort mail will remain unaffected by the proposed service standard changes.”

a. Please confirm that there are no destination entry rates for First-Class Mail.

b. If confirmed, please clarify the statement that “destination-entry presort mail will remain unaffected by the proposed service standard changes,” particularly to define what the term “unaffected” means in your use of it in this statement.

c. Please explain how Presorted First-Class Mail will “remain unaffected” if the origin/destination pair represented by the facility where the mail is deposited and the facility serving the destination of the mail will be moved from a two-day service standard to a three-day service standard “by the proposed service standard changes.”

MH/USPS-T1-15. Please refer to the statement in your testimony on page 31, lines 17 and 18, that “all mail will benefit from improved reliability and predictability.”

a. Please define the terms “all mail,” “improved,” and “benefit” as you use them in this statement.

b. Please the degree of “improvement” that is anticipated.

c. Please explain the criteria the Postal Service used to determine that “all mail will benefit from improved reliability and predictability,” specifically the bases for that determination and the bases for having sufficient surety to conclude that the statement will be accurately borne out by the results of the proposed service standard changes.

MH/USPS-T1-16. Please refer to your testimony in section V, *The Postal Service’s Proposed Network Operations Changes Are Consistent With The Policies And Requirements Of Title 39, United States Code*.

a. Please explain whether the Postal Service considers First-Class Mail service performance to be a “driver of First-Class Mail revenue loss.”

b. Please explain whether the Postal Service has evaluated and identified other opportunities for operational “cost and service efficiencies” other than “through enhanced use of surface transportation.” If so, please explain those opportunities and the Postal Service’s plans for implementing them. If there are no plans to implement identified opportunities, please explain why not. If no evaluation has been made, please explain why not.

c. Please explain the bases for the Postal Service’s conclusion that service standards should be aligned “with actual performance” rather than aligning operational performance to enable achievement of established service standards.

d. Please confirm that the “95 percent” target will apply to all First-Class Mail and time-sensitive Periodicals. If not confirmed, please clarify to what the “95 percent” target will or will not apply and, in each case, why.

e. Please define “on a consistent basis” as you use it in your testimony and how that modifier alters the effective meaning of “95 percent.”

f. Please define the terms “quality” and “adequate” as you use them on page 35, lines 20 and 21.

g. Please explain the criteria, and any studies or customer research, used by the Postal Service to determine that service is “quality” and “adequate.” If no studies or research were conducted, please explain why not.

h. Please provide any studies or research that would support a customer or ratepayer conclusion that the proposed service standard changes will yield service that is “quality and adequate.” If no studies or research are available, please explain why not.

EXHIBIT B

Mailers Hub Interrogatories and Requests for Production of Documents
United States Postal Service Witness Curtis Whiteman (MH/USPS-T-2-1)
(May 12, 2021)

MAILERS HUB INTERROGATORIES TO
UNITED STATES POSTAL SERVICE WITNESS CURTIS WHITEMAN (USPS-T-2)
(MH/USPS-T2-1-3)

MH/USPS-T2-1. Please refer to your testimony on page 8, lines 10 through 14.

a. Please explain the statement that the “service standard change will result in a restructuring of the Postal Service’s transportation network,” specifically to clarify whether the Postal Service’s decision to transport more mail by surface necessitated revising service standards, or whether the revised service standards were developed first and, in turn, drove changes in the transportation network.

b. Please define the proportions of “Inter-Area, Inter-Cluster, and Inter-P&DC highway capacity” that are currently served by contracted (HCR) and internal (MVS) transportation, and how those proportions will change under the Postal Service’s proposed service standards.

c. Please confirm that “There will be no immediate change in the capacity of transportation connecting the Postal Service’s Network Distribution Centers (NDCs)” because all non-time-sensitive Periodicals, Marketing Mail, and packages products currently entered at and/or processed through the NDC network will continue to be entered at and/or processed by the NDCs.

d. If not confirmed, please explain how non-time-sensitive Periodicals, Marketing Mail, and packages products currently entered at and/or processed through the NDC network will be entered at and/or processed by the NDCs or elsewhere under the proposed service standard changes and/or related transportation changes.

e. Please confirm that no zoned rates or destination entry discounts currently available based on mail entry or processing through the current NDC network will be changed because of the proposed service standard changes or related network adjustments.

f. If not confirmed, please explain the changes in zoned rates or destination entry discounts that will result from the proposed service standard changes and/or related network adjustments.

MH/USPS-T2-2. Please refer to your testimony on pages 10 and 11.

a. Please explain whether the Postal Service has evaluated aggregating its air transportation into a single contract to obtain a more favorable price per pound or cubic foot flown or, if not, why not.

b. Please explain the advantages and/or disadvantages of using multiple contract air transportation providers versus contracting for a single dedicated air transportation provider.

c. Please confirm that the performance by air service providers has contributed to the Postal Service's interest in moving more mail by surface transportation.

d. Please explain whether and how air transportation provider performance, under current service standards or under the proposed service standards, was factored into the air transportation cost calculations.

MH/USPS-T2-3. Please refer to Part II of Witness Hagenstein's testimony and your testimony on Pages 11 through 13.

a. Please confirm that the calculated savings in surface transportation assumed

- 1) all vehicles (trucks) would be the same size, with the same capacity;
- 2) cube utilization would be 45.1% of the capacity of a 53-foot trailer;
- 3) loads would consist solely of APCs with an average utilization of 75%; and
- 4) no loads would be in other containers or bedloaded.

b. If those assumptions cannot be confirmed please explain what assumptions were used.

c. Please confirm that the use of smaller trucks ("5-tons"), or different size trailers (40-, 45-, 48-, or 50-foot) were not used as alternatives in the model.

d. If the use of smaller trucks or trailers was not modeled, please explain the reasons why.

e. Please explain whether and how surface transportation provider performance, under current service standards or under the proposed service standards, was factored into the surface transportation cost calculations.

EXHIBIT C

Mailers Hub Interrogatories and Requests for Production of Documents
United States Postal Service Witness Stephen B. Hagenstein (MH/USPS-
T-3-1) (May 12, 2021)

MAILERS HUB INTERROGATORIES TO
UNITED STATES POSTAL SERVICE WITNESS STEPHEN B. HAGENSTEIN (USPS-T-3)
(MH/USPS-T3-1-6)

MH/USPS-T3-1. Please refer to your testimony on page 3, lines 19 through 23, and on page 4, lines 1 through 9.

a. Please explain the criteria used by the Postal Service to determine whether transportation service will be provided by its own drivers (PVS) or by contract drivers (HCR).

b. Please explain why, if “On average, HCR transportation is less expensive than PVS,” HCR would not be the preferred choice for transportation service.

c. Please explain the phrase “PVS is absent,” specifically to clarify whether such absence is abnormal.

d. Please explain if a situation in which “PVS is absent” is the result of a decision governed by consistently-applied policies, and the degree to which local managers have latitude to make their own determination.

MH/USPS-T3-2. Please refer to your testimony on page 5, lines 1 and 2 and 21 through 23.

a. Please explain how it is determined that a truck is “routinely less than 60 percent full.”

b. Please confirm that such a level of utilization would be in accordance with planned utilization and, if so, how the 60 percent level was chosen. If that cannot be confirmed, please explain the load that is expected “routinely.”

c. Please explain the circumstances under which contracted transportation becomes “over- and under-utilized.”

d. Please explain what steps are taken to monitor for, and to correct over- or under-utilization of vehicle capacity; to verify that such steps were effective; and to take further actions as necessary to prevent or minimize over- or under-utilization of vehicle capacity.

e. Please explain the term “flexibility” and why it is lacking “across the transportation network.”

f. Please explain what steps are taken to monitor for, and to correct inflexibility in HCR contracts; to verify that such steps were effective; and to take further actions as necessary to provide the Postal Service with greater “flexibility.”

MH/USPS-T3-3. Please refer to your testimony on page 10, line 5.

a. Please explain why the assumption was made that “the average APC would be 75 percent full.”

b. Please explain why a higher figure was not selected in order to support the objective of taking “full advantage of the truck’s carrying capacity.”

c. Please explain if other containers were included in the model, such as “BMC over-the-road” containers, pallet, pallet boxes, etc., and what utilization assumptions were applied to each.

MH/USPS-T3-4. Please refer to your testimony on pages 13 and 14, section C.

a. Please explain the process and criteria used in developing the mileage and time in the “proposed service standard assignment rules.”

b. Please explain the reasons why incrementally greater mileage, or more time, were not selected.

c. Regarding the statement:

“The intent of adding incrementally more slack time to the transit windows as distances increased was to encourage pairing of shipments at the origin locations, allow volume transfers via STCs, add buffer time to absorb transportation delays, and still enter letter and flat volume up to the destination CET of 08:00 the day prior to the delivery standard. Allowing such flexibility in the transit time between OD Pairs allows the model to test additional routings for optimization and build efficient routings.”

Please explain the process and criteria used to determine that the model should include “more slack time” in its calculations to “encourage pairing of shipments at the origin locations, allow volume transfers via STCs, [and] add buffer time to absorb transportation delays.”

d. Please explain why the model was not run to optimize direct (non-stop) transportation between origin/destination pairs or to maximize the non-stop distances between pairs that could be allowed while still meeting service standards.

MH/USPS-T3-5. Please refer to your testimony on page 15, lines 10 through 13. Please explain the assumptions regarding vehicle size and capacity.

a. Please explain whether smaller trucks (“5-tons”), or different size trailers (40-, 45-, 48-, or 50-foot) were used as variables or, if not, why not.

b. Please explain whether the model was used or allowed to determine whether smaller trucks could be used to provide direct service between origin/destination pairs instead of assigning the related volume to a larger vehicle on an indirect routing.

c. In order to provide “flexibility,” please explain whether the model allowed for the use of trucks of different sizes on a routing between an origin/destination pair, based on fluctuations in volume. If not, please explain why such “flexibility” would not be desirable.

d. Please explain why the “Maximum volume per 53-foot trailers was modeled as 1,575 cubic feet” if, according to a *Guide to Truck Trailers* (http://www.iccb.org/iccb/wp-content/pdfs/adulted/tidl_bridge_curriculum/tidl_context_math/tidl_math_resource_file/Truck_Trailer_Guide.pdf), the interior capacity of a 53-foot trailer is 3,489 cubic feet.

e. Please explain why the model assumed utilization of only 45.1% of the capacity of a 53-foot trailer.

f. Please confirm that the model assumed that all loads on all trucks would be in APCs, that no modeled loads were in other than APCs that were “75 percent full,” and that no modeled loads were bedloaded. If these cannot be confirmed, please explain the assumed loads.

MH/USPS-T3-6. Please refer to your testimony on page 16, lines 12 through 15, and page 17, lines 1 through 15.

a. Please explain the process and steps used to determine the allowance of an “additional 90 minutes for dispatch preparation and staging” and why it is “the USPS-accepted expectation of when volume would be ready for dispatch following the completion of mail processing.”

b. Please explain whether other shorter time criteria were modeled and, if not, why not.

c. Please explain the process and steps used to determine that “STCs are given a minimum of two hours to process volume and/or cross-dock containers.”

d. Please explain whether other shorter time criteria were modeled and, if not, why not.